IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6278 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

1 to 5 No

STATE OF GUJARAT, THROUGH RANGE FOREST OFFICER

Versus

RAMESH BHOVAN MAKWANA

Appearance:

MS DS PANDIT ASSTT GOVERNMENT PLEADER for Petitioner

MR TR MISHRA for Respondent No. 1

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 27/09/2000

ORAL JUDGEMENT

1. By way of this petition under Articles 226 and 227 of the Constitution of India, the petitioner-State has challenged the order of the Labour Court, Junagadh in Reference (LCJ) No.1123 of 1990 whereby the respondent is

ordered to be reinstated with full backwages. The impugned award is dated 19.6.1999 and it is admittedly an ex parte award.

2. The learned counsel for the petitioner fairly conceded that the appropriate remedy to have the ex parte award set aside would be to file an appropriate application before the same Labour Court and the petitioner proposes to do so. The learned counsel further submitted that the petitioner may be required to file appropriate application for condonation of delay and injunction against the implementation of the award, and during the pendency of such application, the impugned award is required to be stayed. The learned counsel for the respondent submitted that without prejudice to the rights and contentions of the respondent, the respondent shall not press for any recovery of wages or backwages for a period of three months from today. Accordingly, the learned counsel for the petitioner sought permission to withdraw the petition. Permission is granted. Petition stands disposed as withdrawn. Rule is discharged with no order as to costs. Interim relief stands vacated.

Sd/-

(D.H.Waghela, J.)

KMG Thilake

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